

**DECLARATION FOR UTILITY  
PATENT APPLICATION  
(37 C.F.R. 1.63)**

Attorney Docket No.

O155.12-0004

First Named Inventor

Richard B. Brooke

**COMPLETE IF KNOWN**

Declaration  
Submitted  
with Initial  
Filing

☒ Declaration  
Submitted after Initial  
Filing (Surcharge  
(37 C.F.R. 1.16(e))  
Required)

Application Number

10/659,099

Filing Date

September 10, 2003

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:  
**CELL PHONE/BREATH ANALYZER**

the specification of which:

is attached hereto OR

☒ was filed on **September 10, 2003** as United States Application Number **10/659,099** or PCT International Application Number and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Certified Copy Attached?	
			Yes	No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)
60/409,481	09/10/2002

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

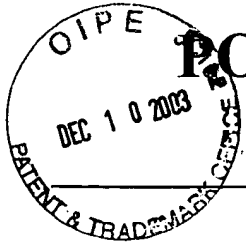
U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

DIRECT ALL CORRESPONDENCE TO:

Customer Number	00164
Attention	David R. Fairbairn
Telephone	(612) 339-1863
Fax	(612) 339-6580

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Sole or First Inventor:</b>	
Given Name (First and middle (if any))	Family Name or Surname
Richard B.	Brooke
Inventor's signature	Date: 10-14-03
Residence	Citizenship: USA
Mailing Address	1301 West Lakewood Drive, Third Floor
City, State, Country	Coeur D'Alene, ID 83814 U.S.A.



# POWER OF ATTORNEY

Attorney Docket No.

O155.12-0004

First Named Inventor : Richard B. Brooke

Title : CELL PHONE/BREATH ANALYZER

In the patent application:

— identified above (and submitted to the Patent and Trademark Office herewith).

X filed on September 10, 2003 as Application No. 10/659,099.

I appoint the attorneys and agents associated with Customer Number 00164 to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation.

I ratify all prior actions taken by Kinney & Lange, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

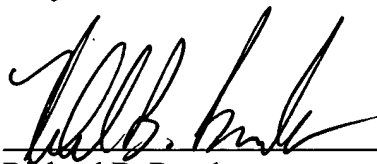
I authorize Kinney & Lange, P.A. to mark the appropriate space above and to insert the filing date and application number of the application, as appropriate.

I authorize the attorneys and agents named herein to accept and follow instructions from David R. Fairbairn as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the attorneys and agents and the undersigned. In the event of a change in the persons from whom instructions may be taken, the attorneys and agents named herein will be so notified by the undersigned.

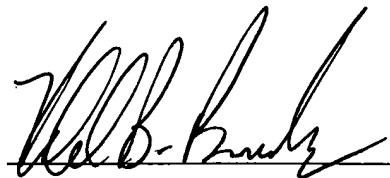
Please address all correspondence and telephone calls to Customer Number 00164, attention David R. Fairbairn, Telephone (612) 339-1863, Fax (612) 339-6580.

Oxyfresh Worldwide, Inc.

Signature:

  
Richard B. Brooke

Dated:

  
10-14-03

Title:

President



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : Richard B. Brooke	Group Art Unit: Examiner:
Appln. No. : 10/659,099	
Filed : September 10, 2003	
Title : CELL PHONE/BREATH ANALYZER	
Docket No. : O155.12-0004	

SUBMISSION UNDER 37 C.F.R. 3.73(b)

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Oxyfresh Worldwide, Inc., an Idaho corporation, is an owner of the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or a copy of which is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy of which is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy of which is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel\_\_\_\_\_, Frame\_\_\_\_\_, or a copy of which is attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: 

Richard B. Brooke

Date: 10-14-03

Title: President